Acquisition and Cross-Servicing Agreements (ACSA) 101

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Overview

- ACSA – What, Why, Purpose
- Historical Background
- Definitions
- Key Tenets
- Permitted/Prohibited Items
- Eligibility/Staffing Process
- Section 1202 Authority
- Examples of Past ACSA Use
- Key Take Away

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ACSA – What, Why, Purpose

- What:
  - Bilateral agreement for the exchange of logistics support, supplies, & services (LSSS) during exercises, training, or emergency situations
- Why:
  - US law prohibits buying, selling, giving, and loaning support to another country without legal authority
  - ACSA statute provides authority
- Purpose:
  - To further readiness of U.S./Multinational forces by reducing initial logistics embarkation

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ACSA History

- 1970s: Troop reductions in Europe forced increased reliance on NATO allies for logistics support
  - Commercial contracting for acquiring support
  - Foreign Military Sales (FMS) for providing support
  - Both highly formalized, cumbersome/time consuming as number of requests grew
- 4 August 1980: NATO Mutual Support Act (NMSA)
  - Provided simplified authority for acquiring NATO support in exchange for cash or replacement in kind (RIK)
  - Authorized DoD (after consultation with DOS)

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ACSA History (cont)

- 1982: Expanded to include Japan, Australia, Korea, Israel & Egypt; Name changed to ACSA
- 1986: Expanded to include non-NATO nations
- 1990: Changed RIK criteria from identical to equal value
- 1991: Removed geographic restrictions
- 1995: Expanded to allow exchange of airlift, permit loans,& clarify use during exercises
- 1997: Expanded to include non-lethal items not listed as SME on US Munitions List, i.e. certain types of

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ACSA Definition

"An Agreement Under Which the United States Agrees to Provide Logistic Support, Supplies and Services to Military Forces of a Qualifying Country or Organization … in Return for the Reciprocal Provision of Logistic Support, Supplies and Services by Such Government or Organization to Elements of the [United States] Armed Forces."

- Est. by US Law: 10 U.S.C. Section 2342(a)(2)

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ACSA Definition (cont)

- ACSAs are bilateral agreements for the reimbursable mutual exchange of logistics support, supplies, & services
- Two Authorities Exist
  - Cross-Servicing Agreement Authority (Signed ACSA)
    - Transfer of logistics supplies & services between military forces
  - Acquisition-Only Agreement Authority
    - US Armed Forces can acquire logistics supplies & services from eligible countries that:
      - Permit US military operations; allow stationing of US armed forces; preposition US materiel; or serve as

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LSSS Defined

- Logistic support, supplies, and services.

  Food, water, billeting, transportation (including airlift), petroleum, oils, lubricants, clothing, communication services, medical services, ammunition, base operations support (and construction incident to base operations support), storage services, use of facilities, training services, spare parts and components, repair and maintenance services, calibration services, and port services. Such term also includes the temporary use of general purpose vehicles and other non-lethal items of military equipment which are not designated as significant military equipment on the U.S. Munitions list.

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Key Tenets

- All transactions are reimbursable
- Reimbursement made in cash, replacement in kind (RIK) or equal value exchange (EVE)
- Parties to the ACSA can decline support requests
- Reciprocal pricing principles apply
- ACSA must not circumvent Foreign Military Sales (FMS) or other established processes
- Annual ceilings apply except when ACSA is used to support contingencies, humanitarian & foreign disaster assistance efforts
- ACSA Global Tracking and Reporting System (AGATRS)
  - System of record for ACSA transactions

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Permitted Items

- Food/Clothing/POL
- Transportation
- Port Services
- Medical Services
- Base Operations Support
- Use of Facilities
- Spares/Components
- Billeting
- Airlift
- Communication Services
- Ammunition
- Storage Services
- Training Services
- Repair & Maintenance

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Prohibited Items

- Weapon systems
- Guidance kits for bombs & other ammunition
- Initial quantities of replacement parts & spares
- Guided missiles, naval mines & torpedoes
- Nuclear & chemical ammunition

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Eligibility/Staffing Process

- Combatant Commander submits request to JS
- SECDEF determines if eligibility is in the interest of US National Security
- Department of State (DOS) determination
- If all concur, Congressional Notification (30 days)
- With no response, country declared eligible and Combatant Commander is notified
- After a country is eligible, the Combatant Commander's ACSA Team
  - Negotiates the ACSA with the eligible country using the DoS/DoD approved template, May 06
  - Forwards agreement to Joint Staff for review
- Washington Review (Joint Staff/OSD/Dos) ~ 90 days
- If approved, Signing Authority is delegated to Combatant Commander (or representative) who signs agreement with country representative
- May require country's parliamentary approval/diplomatic exchange of notes

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Examples Of Past ACSA Use

- Nation provided support services (POL and billeting) to US forces during exercises (cash)
- US provided a nation cots, bedding, and tents to support a Volcano evacuation (cash)
- US provided riot control gear to a nation (RIK)
- US provided airlift & cots to a nation during ice storms (cash)
- US supplied fire fighting equipment to support fighting forest fires (RIK)
- US provided Body Armor (EVE)
- US provided Personal Equipment to country for deployment (cash)

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ACSA Key Take Away

- Allows logistics exchanges between US and other military forces/organizations
- Provides flexibility to on-scene commander
- Provides means to meet logistics shortfall emergencies
- Reduces the logistics tail for joint exercises and/or contingencies
- Applies worldwide

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